

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RECEIVED
SDNY PRO SE OFFICE
2015 OCT 27 AM 10:56

MICHAEL TAMMARO

(In the space above enter the full name(s) of the plaintiff(s).)

-against-

**AMENDED
COMPLAINT**

under the Civil Rights Act,
42 U.S.C. § 1983

The City of New York

DETECTIVE CHRISTOP BRESLIN "INDIVIDUAL"
sheid 71 ,PRECINCT10), 230 WEST 20th. St.
NY,NY 10011

MINIAK LLC./ JAN ZONEN "Individual"

JENNIFER GATIEN "Individual"

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

Jury Trial: ☐ Yes ☐ No
(check one)

13 Civ. 6190 (MK)

I. Parties in this complaint:

- A. List your name, identification number, and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff's Name MICHAEL TAMMARO
ID# DIN # 13-A3163
Current Institution COLLINS CORRECTIONAL FACILITY
Address P.O. BOX 340
COLLINS, NEW YORK 14034-0340

- B. List all defendants' names, positions, places of employment, and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1 Name DETECTIVE CRISTOP BRESLIN Shield # 71
Where Currently Employed 10 PRECINCT ,230 W.20th. St.
Address NY,NY 10011

Defendant No. 2 Name THE CITY of NEW YORK Shield # _____
 Where Currently Employed 100 CHURCH STREET
 Address NEW YORK, NEW YORK 10007
attn: DAVID COOPPER Assistant Corp.

Counsel
 Defendant No. 3 Name MINJAK, LLC Shield # _____
 Where Currently Employed ATTORNEY/ROSENBERG& ESTIS,P.C.
 Address 733 THIRD AVE. NEW YORK, NY 10017
ATTN: EMILY PRAGER,ESQ.

Who did
 what?

Defendant No. 4 Name JAN ZONAN/INDIVIDUAL Shield # _____
 Where Currently Employed ATTORNEY/ ROSENBERG & ESTIS,P.C.
 Address 733 THIRD AVE. NEW YORK, NY 10017
ATTN/ EMILY PRAGER,ESQ.

Defendant No. 5 Name JENNIFER GATIEN Shield # _____
 Where Currently Employed ADDRESS XXXXXXXXXXXXXXXXXXXX
 Address 49 BLEEKER STREET, NY, NY APT 306

II. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. In what institution did the events giving rise to your claim(s) occur?

N.A.

B. Where in the institution did the events giving rise to your claim(s) occur?

N.A.

C. What date and approximate time did the events giving rise to your claim(s) occur?

MARCH 4th. 2013, 9.30 P.M.

D. Facts:

What
 happened
 to you?

Was
anyone
else
involved?

Who else
saw what
happened?

III. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received.

IV. Exhaustion of Administrative Remedies:

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." Administrative remedies are also known as grievance procedures.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

Yes ____ No ____

If YES, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

B. Does the jail, prison or other correctional facility where your claim(s) arose have a grievance procedure?

Yes _____ No _____ Do Not Know _____

C. Does the grievance procedure at the jail, prison or other correctional facility where your claim(s) arose cover some or all of your claim(s)?

Yes _____ No _____ Do Not Know _____

If YES, which claim(s)?

D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose?

Yes _____ No _____

If NO, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

Yes _____ No _____

E. If you did file a grievance, about the events described in this complaint, where did you file the grievance?

1. Which claim(s) in this complaint did you grieve?

2. What was the result, if any?

3. What steps, if any, did you take to appeal that decision? Describe all efforts to appeal to the highest level of the grievance process.

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

2. If you did not file a grievance but informed any officials of your claim, state who you informed, when and how, and their response, if any:

N.A.

- G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

N.A.

Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.

V. Relief:

State what you want the Court to do for you (including the amount of monetary compensation, if any, that you are seeking and the basis for such amount). _____

Wherefore, Plaintiff prays for judgement in his favor and damages in his favor against all defendant's in an amount sufficient to compensate him for the deliberate indifference and intentional misconduct of defendant's in no event less than \$45,000.00 together with attorney's fees and costs, and such additional relief as this court deems just and proper.

VI. Previous lawsuits:

**On
these
claims**

- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes _____ No **X**

- B. If your answer to A is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another sheet of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff _____

Defendants _____

2. Court (if federal court, name the district; if state court, name the county) _____

_____ 3. Docket or Index number _____

_____ 4. Name of Judge assigned to your case _____

5. Approximate date of filing lawsuit _____

6. Is the case still pending? Yes _____ No _____

If NO, give the approximate date of disposition _____

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) _____

**On
other
claims**

- C. Have you filed other lawsuits in state or federal court otherwise relating to your imprisonment?

Yes _____ No **X**

- D. If your answer to C is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff _____

Defendants _____

2. Court (if federal court, name the district; if state court, name the county) _____

_____ 3. Docket or Index number _____

_____ 4. Name of Judge assigned to your case _____

5. Approximate date of filing lawsuit _____

6. Is the case still pending? Yes ____ No ____
If NO, give the approximate date of disposition _____
7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) _____

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 20 day of Oct, 2015

Signature of Plaintiff _____

Inmate Number _____

Institution Address _____

13-A-3163

COLLINS CORRECTIONAL

FACILITY, P.O. BOX 340

COLLINS, NEW YORK 14034-

0340

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint and provide their inmate numbers and addresses.

I declare under penalty of perjury that on this 20 day of Oct, 2015, I am delivering this complaint to prison authorities to be mailed to the *Pro Se* Office of the United States District Court for the Southern District of New York.

Signature of Plaintiff _____

EXHIBITS

EXHIBITS

1. Three Official Documents, showing that the plaintiff was arrested at his home.

- a. New York City Omniform System- Arrests/Arrest Report

This report states that on the night of March 4, 2013 the plaintiff was arrested in front of his building, 211-215 West 20th. Street.

The Complaint number is ,2013-010-00924

Arrest I.D. Mi362021-Q

Time; 21:45 :00

- b. Bill of Particulars / People's Voluntary Disclosure Form
Docket # 2013 NY018307

Here in present document it states:

The People of the State of New York hereby voluntarily disclose to the defendant the following factual information pertaining to the above-captioned case:

It states under #2 of the following list:

2. Arrest: Date, March 4th, 2013

App. Time: 9:45

Place : In front of 211 West 20th Street

- c. New York City Police Department / Arrest Report for
Arrest I.D. M13620201

ARREST LOCATION: 211 WEST 20th, Street

ARREST TIME : 21:45:00

In three separate official documents , Detective Breslin has reported officially that the plaintiff was arrested at his building/home and not at the 10th. Precinct as he has stated under oath, Detective Breslin has perjured himself in numerous occasions concerning this case. 1319/13.

EXHIBITS

2. NYDPETS PROPERTY and EVIDENCE VOUCHERS.

Invoking Command/ 10th. Precinct

In these existing property vouchers it proves that Detective Breslin himself lists in property vouchers,

a. 4 cell-phones.

b. He list's 1 external hard drive when in fact it was 8.
The plaintiff has in his possession ,reciepts from all Eight External Hard Drives.

Sworn affidavits from his assistant that have worked with the Plaintiff stating they in fact worked with thses hard drives ,transferring data and images from the plaintiff's camera or his computers.All images were transfered to archive the images,as sworn in these 7 affidavits.

c. The Plaintiff's agents have sworn that in fact the plaintiff did indeed have 8 hard drives just prior to his illegal arrest.

The plaintiff has clients that have sworn that in fact working with the plaintiff they have witnessed all his hard drives.

d. Listed is a Mac computer.

Transcript from a court appearance dated March 27, 2014, my attorney at the time Ms. Laitman made it clear to Judge Michener J. O'Bus that, the D.A.'s office still had the plaintiff's hard drive and it was important to have them returned.

EXHIBITS

4. Here is exhibited the Sworn Affidavit by Detective Breslin and signed by Jonathan Dreyfuss, stating that he has approved this affidavit, when in fact the Assistant District Attorney was well aware that the Target Location was the Plaintiff's, that the items to be seized were not in fact stolen but the legal property of the Plaintiff.

That the 3 checks that the detective had inspected, the A.D.A. was aware that these 3 checks never existed from the beginning, that the A.D.A. themselves admit under oath on March 27, 2013, that they have no checks and never had the 3 checks, so in fact no checks could have been inspected.

It is signed by Detective Christopher Breslin, Jonathan Dreyfuss, The Honorable Neil E. Ross/Judge and the Court Reporter, Laura DeMattia.

It states Sworn to before me this March 7, 2013 and is signed by his Honor the Judge. at 11.05 A.M.

5. Text of the testimony by Detective Breslin under oath were he now states that, yes he entered the home of the Plaintiff, where in his previous testimony under oath at the Huntley Hearing, conducted Dec. 10 and 11 of 2013, he states that at no time did he enter the home of the plaintiff, that he stayed in the elevator the entire time, in this testimony at trial the detective also states that he could not view the plaintiff as he was somewhere off to the left, when at the Huntley Hearing he states under oath that he viewed the Plaintiff sitting at his desk, naked working on his computer

⑥ Testimony by Det. Breslin, again swearing that the Affidavit he swore to and submitted was true and accurate.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK: CRIMINAL TERM: PART 51
-----X

THE PEOPLE OF THE STATE OF NEW YORK : Indictment No.
-against- : 1319/13
4947/13

MICHAEL TAMMARO,

Defendant. :

-----X

100 Centre Street
New York, N.Y. 10013
March 27, 2014

HONORABLE: MICHAEL OBUS,

APPEARANCES:

FOR THE PEOPLE:

CYRUS R. VANCE, JR., ESQ.
DISTRICT ATTORNEY
NEW YORK COUNTY
BY: JON CHANANIE, ESQ.

FOR THE DEFENDANT:

18B

BY: GENAY ANN LEITMAN, ESQ.

SUE-LYNN IRVING
SENIOR COURT REPORTER

*Still, as of this date Oct 19, 2015, the
plaintiff's property has not
Justice been
returned*

1 in the interim, some other assistant would have to appear on
2 the case for an extended period of time.

3 MR. CHANANIE: Anytime from that first week of
4 April to approximately the same time in July, that's right.
5 Excuse me, in June. I will be out April, May and June.

6 I take that back. It does mean that the adjourn
7 date anytime before July would require someone other than me
8 to handle it.

9 THE COURT: As I said, I'm reluctant to put this
10 over into July. But I am also not putting this on the
11 calendar for two weeks. So, I will like to put it on for a
12 control date. I'm not telling corrections where to hold
13 Mr. Tammaro. But if he needs to be produced, I will ask the
14 parties to facilitate that. And I will sign whatever orders
15 to produce if necessary. But I will suggest we set a
16 control date.

17 I think it would have to be after Mr. Chananie
18 leave begins and before he returns, just to keep some
19 control of the schedule here. And, hopefully, you won't be
20 incommunicado if there is some need for somebody from your
21 office to reach you about the status of things, or if there
22 are materials that your office has, like the checks. There
23 has got to be somebody available to handle any such request.

24 MS. LEITMAN: There is another item, while we are
25 talking about things that were taken. It's my understanding

1 that when the police executed the search warrant, they --
2 there was an indication that the items -- in the affidavit
3 by the detective that these items were actually stolen. In
4 actuality they were not stolen. They were my client's
5 actual hard drive for his various computers.

6 He is a professional photographer. Mr. Tammaro,
7 that is, is a professional photographer. There is some
8 extremely sensitive information on those computers. There
9 are photographs of celebrities, movie stars, et cetera, on
10 there, models. And we need to know that those are being
11 preserved. And, secondarily, if they are not being used for
12 evidence, we request that we make arrangements to have them
13 returned.

14 THE COURT: Again, this is something that I will
15 ask you to take up before Mr. Chananie goes on his leave.
16 And if you can resolve them by agreement, fine. If not,
17 then there may have to be some application.

18 And I will ask that if you are going to be gone
19 for an extended period of time, which I understand you are,
20 that there be somebody for Ms. Leitman to speak to about
21 such things, so that we don't end up having all these
22 discussions at the beginning of July or something like that.

23 I had hoped that this case would be tried well
24 before now. And the reasons why it hasn't been tried at all
25 is matters of record already. I'm not going to go through

1 This is the affidavit in support of the search
2 warrant?

3 THE WITNESS: Correct.

4 THE COURT: This is your affidavit.

5 Would you give it to the officer to show to
6 counsel.

7 Let's make sure that that's what you have.

8 Q. Detective, remind me if I have gotten to the point yet
9 where I ask you if that fairly and accurately shows the
10 affidavit as you swore it out in March of 2013?

11 A. Yes.

12 Q. Yes, I asked that? Or yes, it does? ✓

13 A. Yes, you asked it. And yes, it does.

14 Q. Excellent.

15 MR. CHANANIE: Your Honor, at this time People
16 seek to admit People's 3.

17 THE COURT: Can we clarify when was this done?
18 What's the date?

19 THE WITNESS: The date on it is March 3, 2013. ✓

20 THE COURT: So this is after the arrest and after
21 the statements were made?

22 THE WITNESS: That's correct.

23 THE COURT: All right. I realize this is perhaps
24 beyond the scope of the hearing, but in order to make sure
25 we have a full record, we'll receive this deemed 3 in

1 A. No.

2 Q. Now, subsequently did you swear out a search warrant to
3 go search the defendant's apartment?

4 A. Yes, I did.

5 MR. CHANANIE: Your Honor, I believe the court
6 still has the affidavit?

7 THE COURT: I will I do -- it's part of the file,
8 yes.

9 MR. CHANANIE: Can I have that back and deem it
10 marked for the purpose of the hearing as People's 3?

11 THE COURT: Deem it 3 for identification for the
12 moment.

13 Q. Detective, take a look at that, see if you recognize
14 that, please?

15 A. Okay.

16 Q. Did you recognize that?

17 A. Yes, I do.

18 Q. What do you recognize that to be?

19 A. It's a copy of the search warrants.

20 Q. Is it a fair and accurate copy of the search warrants
21 that you swore out to search the defendant's apartment?

22 A. Yes.

23 MR. CHANANIE: Your Honor, People would seek to
24 admit People's 3 into evidence.

25 THE COURT: Make sure Mr. Sylvan has a copy.

FACTS

DEFENDANT / Mrs. Jan Zonan

The Defendant, Mrs. Jan Zonan, is the owner of the building that the Plaintiff, Michael Tammaro, lives. He has lived at 211-215 West 20th St. NYC for 23 years. Mrs. Jan Zonan is also the owner of several properties in the New York City area, it is under the name of Minjak LLC. Because of the fact that Mrs. Zonan has many properties, she is well aware of tenants rights, that the police can not just enter a citizens home at 9:30 in the night with no warrant and no probable cause and the fact that the police never made an attempt to inform the plaintiff of their need to enter his home, where Mrs. Zonan is at fault is her employee, Louis, allowed these 2 detectives into the private keyed elevator and into the 300 steel door to enter the plaintiff's home illegally. The superintendent made no attempt to ask for a warrant or to inform the police that they should buzz the plaintiff's apartment home before just barging in, nor did he do any of the above, Mrs. Zonan, presides directly above the home of the Plaintiff, he at 6E and she at 7E. The super had every opportunity to buzz his employer and inform her of the police's agenda, this he never did, if the superintendent had performed his duty legally and professionally the plaintiff would have had his constitutional right to ask the police what it is they wanted and would have had his right to speak to them, or not as they had no warrant. Mrs. Zonan being the employer of the Superintendent is responsible for his illegal actions.

DAMAGES ACQUIRED

Due to the misconduct by detective breslin ,the defendant ,lost his home a home that he had lived and worked at for 23 years ,a rent stabilized home ,for the defendant now to find a loft in NYC ,with the sq. ft. space so he would be able to both work and live would cost him now close to \$6500.00 The defendnat's reputation was destroyed, on Feb. 7th,2013 ,when the defendant arrived home he still had his home ,his career, his mental and physical were in a healty state of mind, he had the support of his family and friends.

Detective breslin barging into the home of the defendant on March 4th, 2013 ,with no warrat ,no probable cause and arresting the defendant based on hearsay has left the defendant homeless and destitute.

The detective entered the home of the defendat on march 12th,2013 with a defective search warrant ,he perjured himself by swearing under oath the information he was submitting to the magistrate was true when in fact it was not. To this very day ,May 24th,2015 the defendant's property seized with this defective warrant has not been returned due to the fact that the detective refuses to sign off on his part of the release,this he informed Officer Moses of the Pearson Property Warehouse,telling Officer Moses that the property was still being used as evidence ,when in fact the trial was over the District attorney had submitted a Official property release for the defendant to retriive his property. The defendant has spent more then 2 years at Rikers island facility where he has been verbally ,phsically abused ,stabbed, hit so hard with a food tray in his left ear by a gang member he has been left deaf in that ear and has to wear a hearing iad for his entire life.

FACTS

On Dec. 10th and 11th. 2013, the plaintiff was granted a Huntley hearing ,it was conducted these 2 days in the court room of his Honor Michael J. Obus,part 51,Supreme Court of New York County, present were the Plaintiff, Mr. Michael Tammaro his attorney ,Mr. Kevin Sylvan, the A.D.A. for the people ,Mr. Jon Chanine, and Detective Breslin. Both the plaintiff and Detective Breslin testified in the preceeding.

Detective Breslin ,under oath, states that on March 4,2013 he can not remember how he got into the plaintiff's building he could not recall how he got up to the plaintiff's floor ,6E ,I'd like to point out that the only way to go to the floor and home of the plaintiff is with a key, the elevator is private the only 2 people that have a key to the locked private elevator is the plaintiff and the superintendant of the building. Detective Breslin states that once at the plaintiff's floor he knocked on the 300 pd steel door and it just happened to be open, and he states he never stepped into the home of the plaintiff ,that he conducted all conversations with the plaintiff from inside the elevator ,the elevator opens directly into the plaintiff's home, the detective states that he viewed the plaintiff sitting at his desk,naked ,working on his computer, that he never went inside the home of the plaintiff ,and he states he asked the plaintiff if he would go to the station with him to have a conversation,in the transcript it shows that the detective does state that the plaintiff asked over and over again ,"why do I have to go to the station" the detective's response was "I will tell you at the station",the issue is that it was 9.30 in the evening,Detective Breslin neglected to announce himself to the plaintiff by buzzing the plaintiff's intercom system, he showed up in the elevator unannounced and wanted the plaintiff to go to thge police station with out informing him why,the fact is it never occurred in this manner. Thje detective barged into the home of the plaintiff at

9:30 in the night and arrested the plaintiff with no warrant and no probable cause.

At trial for this case ,1319/13 ,Detective Breslin now states under oath ,that he did enter the home of the plaintiff,he also testified that from the elevator he could not see the plaintiff,that the plaintiff was somewhere over to the left out of site that he had to call out to the plaintiff to get his attention, 2 different stories stated under oath by the same detective.

In 3 seperate official documents the detective states that the plaintiff was arrested at his home ,the Bill of particulars the Arrest report and the 2 nd arrest report, no where does it states that the plaintiff was arrested at the police station as the detective has testified too.

Detective Breslin also states under oath that he conducted no investigation concerning the 3 checks the plaintiff was being charged with forging, he also states that he never spoke to the complainant again after the complaint was filed on Feb 27th,2013.So in fact Detective Breslin went to the home of the plaintiff 6 days after the complaint was filed,he went there at 9.30 at night he never announced himself ,he perjured himself under oath, he never inspected the 3 checks as the 3 checks never existed which has been stated under oath by the A.D.A. on March 27th,2014 , he never spoke to anyone at the bank concerning the checks,no he just took it upon himself to barge into the plaintiff's home and arrest him with no probable cause what so ever and no warrant.

The fact was that the 3 checks that the plaintiff was being charged with forging are in the plaintiff's name,hence no forgery,the plaintiff entered the precinct on Feb. 27,2013 to file the complaint with a copy of a check that had no information what so ever that it was in fact hers, it could have been anyone's check written out to the plaintiff ,the plaintiff committed no crime he was illegally arrested.

Detective Breslin, submitted a affidavit requesting to be allowed a search warrant for the home of the plaintiff, Mr. Tammaro in said affidavit, Detective Breslin states under oath, that the Target Location is not the home of the plaintiff, that he intends to remove from the plaintiff's home items that he claims are stolen, he has inspected the 3 checks the plaintiff is being charged with forging.

The fact are that the plaintiff, Mr. Tammaro has lived at his home the Target Location for 23 years, 215 west 20th st. ny ny apt. 6e, Detective Breslin under oath has stated that he has been to the location prior to the request of the search warrant and is well aware it is the home of the defendant.

Detective Breslin was aware that in fact none of the items he has requested to remove from the plaintiff's home are not stolen.

On March 27, 2014 is the transcript from a appearance of Jon Chananie the D.A. in case 1319/13 the plaintiff's attorney, Ms. Genay Ann Leitman, esq. and the plaintiff, Michael Tammaro, all are present in the court room of his Honor Michael J. Obus

in said transcript from this day on page 6, 7, in the pages, Ms. Leitman, the attorney for the plaintiff, states on pg. 6 "It's my understanding pg. 7, that when the police executed the search warrant, they, there was an indication that the items--in the affidavit by the detective that these items were actually stolen. In actuality they were not stolen. They were my client's actual hard drives for his various computers.

He is a professional photographer. Mr. Tammaro, that is, is a

professional photographer. There is some extremely sensitive information on those computers. There are photographs of celebrities, movie stars, et. cetera, on their models. And we need to know that those are being preserved. And secondarily, if they are not being used for evidence, we request that we make arrangements to have them returned."

This took place on March 27th, 2014, it is now July 25, 2015 16 months later and the property of the plaintiff has yet to be released to him.

Finally, at the end of trial in Dec. of 2014, the A.D.A. Mr. Chaney, gave a property release to the plaintiff, on this property release was the name Jackie Harris (attached) Ms. Harris went to Pearson Property Warehouse, a Ms. Moses explained to Ms. Harris that the property could not be released as Detective Breslin has told her it is still being used for evidence, which was completely not true, once again Detective Breslin's lies and misconduct has caused pain and suffering for the plaintiff; his private valuable property will not and has not been released.

The items in the plaintiff's property were 4 cell phones, 2 desktop computers, 1 laptop computer, all Apple, laptop was 15 inch 1 I-Pod 1 I-Pad, Driver's license of the plaintiff, passport of the plaintiff's, personal and business documents of the plaintiff's, 8 professional external Hard Drives.

On one of the cell phones illegally seized from the plaintiff's home had Exculpatory Evidence in text form, evidence of Ms. Gatien and Mr. Tammaro concerning the amount Ms. Gatien owed him, what the 3 checks are for and amounts and when to cash them, the evidence was never submitted at trial due to the fact that the people would not release it.

FACTS

DEFENDANT / JENNIFER GATIEN

The complaintant in case 1319/2013,Ms. Jennifer Gatien was the sub-tenant of the plaintiff's ,Michael Tamaro The dates of the sub-let were ,Oct 1,2012- Jan 30 ,2013. Ms. Gatien in those 4 months neglected to pay any rent she neglected to pay utilities, Ms. gatien removed 70 per cent of the Plaintiff's furniture and art,this she has admitted to under oath.

Upon arrival ,the plaintiff found that his electricity had been turned off,his furniture missing and much more this was on Feb. 7th,2013.

Through a mediator ,Mr. Maury DiMauro, Ms.Gatien had promised that she would pay 2 months rent on Feb. 26th,2013 the amount was close to \$7200.00, on feb. 26th,2013 Ms. gatien was no where to be found,on Feb .27th,2013 the very next day ,Ms. Gatien walked into Precinct 10 ,which is directly across the street from the plaintiff,220 west 20th,st.10011.

The detective she spoke with was Detective Breslin,shield #71 Ms. Gatien claimed that when she had moved out of the plaintiff's home she forgot her check book, she then states to the detective that the plaintiff had removed 3 of her checks and forged them in the amounts of,\$150.00,\$150.00 and &1000.00.

Detective Breslin on March 4th,2013 at 930 in the evening went to the home of the plaintiff ,did not announce himself by pressing the intercom system of the plaintiff's,no he went to the home of the superintendant of the plaintiff's building had the super accompany him to the building were he instructed the super to unlock the front door of the building again with no announcement to the plaintiff at 9.30 at night,they the detective ,his partner a Detective James McNair ,the super and himself Detective Breslin,the 3 entered the private

keyed locked elevator of the plaintiff's ,2 people in the world have a key to this elevator ,the super and the plaintiff, Detecxtive Breslin instucted the super to unlock the private keyed lock of the plaintiff ,pressed 6 E the plaintiff's floor and home, they ascended to the plaintiff's floor in which once there Detective Breslin instucted the super to unlock the door to the plaintiff's home ,the elevator enters directly into the apartment of the plaintiff.Detective breslin and his partner proceeded to barge into the home of the plaintiff and arrested him,the super shut the door and went back to the lobby.

Once in the home of the plaintiff Detective McNair began searching the loft he went into the back 2 bedrooms he went into closets he went to the desk of the plaintiff and looked through his mail and documents,Detective Breslin at this time was informing the plaintiff that he was being arrested for forgery ,forging Ms. Jenn Gatien's check's, the plaintiff was taken/seized and brought to Precinct 10 ,across the street, processed and sent downtown to the toms..

It was later revailed that Detective Breslin never had a arrest warrant,did not have probable cause,violated the plaintiff's Fourth Amendment Rights

Later ,Detective Breslin has stated that he could not remember how he got into the plaintiiff's building at 9.30 at night,how he could up the plaintiff's elevator ,the private keyed elevator, and that once at the floor of the plaintiff's he knocked and it just opened,he states he never left the iside of the of the elevator that he viewed from inside the elevator the plaintiff sitting at his desk naked working on his computer,he states that he asked the plaintiff iif he would go to the precinct with himself and his partner to have a talk ,and that the plaintiff just got up and went,once at the precinct Detective breslin states that once the plaintiff stated that yes he cashed the checks he arrested the plaintiff.

THE PLAINTIFF

Michael Tammaro, the plaintiff, has had a long and fruitful career as a photographer, he has traveled the world on assignments for all the top fashion brands and top magazines, in the industry. Mr. Tammaro has been published in every major publication in the world, he has curated numerous exhibitions to raise money for charities.

Mr. Tammaro has photo representation in 3 major cities, New York, Los Angeles and London.

Mr. Tammaro has been assigned to photograph the Tribeca Film Festival for 9 years, the festival is held for 3 weeks every April, Mr. Tammaro photographs all the Directors, Actors and Writers that have entered films for the festival, he has archived all these images for himself and the Festival itself.

Mr. Tammaro has lived at his home/studio for 23 years.

All 25 years of the plaintiff's work was stored professionally in his 8 External hard Drives, he has stored images for private clients, wedding images for individuals, all the festival's images, private images for upcoming exhibitions and a book of his work.

SEARCH WARRANT

Detective Breslin on March 12 entered the home of the plaintiff, he acquired a search warrant by submitting an affidavit to Magistrate the Honorable Neil E. Ross, in this affidavit, Detective Breslin states, sworn to, that the Target Location was not the plaintiff's, that items he would like to remove are stolen and that he has inspected the 3 checks that the plaintiff is being accused of forging.

The fact is that Detective Breslin was very aware that the apartment he wanted to search was the plaintiff's and has been for 23 years, he was aware nothing he claims is stolen was actually stolen but the property of the plaintiff and the 3 checks he

claims he inspected never existed, on March 27th, 2014 in the court of his Honor Michael J. Obus the A.D.A. announced once forced to that the D.A.'s office had no checks, never had checks, proving that Detective Breslin once again has perjured himself.

Detective Breslin removed from the home of the plaintiff, 4 cell phones, 8 external hard drives (25 years work of the plaintiff), 3 computers, private documents, iPad, iPod etc. to this very day not one item has been returned to the plaintiff even with a court order by his Honor Michael Obus, 8 of the plaintiff's archived hard drives have been lost, 8 hard drives taken with a defective untrue warrant (attached).

Plaintiff has photographed the Tribeca Film Festival, held in New York City for 8 years from the years 2003-2011, he has photographed for the festival and publicity, Actors, Director, Writers, Producers, etc. all images have been used for publicity for the festival and publicity for the Film being shown at the festival, in all Thousands of images were in the archives of the plaintiff's external hard drives.

Images from the festival were used for years after the festival for magazines, Television, Newspapers all media, due to the fact that all images are no longer, the plaintiff has lost a considerable amount of income.

Images from the plaintiff's family friends, travels were stored in these hard drives, images going back decades all lost.

To be clear this detective entered the home of the plaintiff with a defective search warrant, an affidavit was submitted to a magistrate stating false information, information was entered falsely due to the fact that the detective had no legal evidence or probable cause to receive a search warrant otherwise, hence he perjured himself as he swore an oath that the information was true, he again swore under oath at a Huntley Hearing that the information was true, the District Attorney's office signed off on this very affidavit also stating the information to be true, knowing very well it was all false.

The Target Location was the Plaintiff's, the property was not stolen, and the 3 checks the detective swears he inspected never existed, the complainant was not credible.

In the plaintiff's 25 year long career he has photographed celebrities ,authors, politicians, people of all walks of life.

The following is a list with a number of individuals that the plaintiff, Mr. Tammaro has photographed,all of these images where archived in the plaintiff's external hard drives.

Individuals such as :

Julia Roberts
Tom hanks
Merly Streep
Sting
Bono
Alicia Keys
Ckelsea clinton
Sally Fields
Harrison Ford
Edris Elba
Amanda Seyfried
Jennifer Connely
Matt Damon]
Jennifer garner
PD Diddy
Maddona
Tom Ford
Bratt Pitt
Dustin Hoffman
Jodie Foster
David Letterman
Clint eastwood
Michael Douglas]
Katie Courik
Al Pacino
HJally Barry
Kevin Spacey
Jaréd Leto
Jane Fonda
Diane lane
Courtney Cox
Sean Penn
Steven Spielberg
Sen. Ted Kennedy
Caroline Bisset Kennedy
John kennedy jr.
Lian Neison
Drew Barrymore]
Tom Glancey
Kristen Steward
Robert redford

Michael Bloomberg
B.B. King
All Super Models of the 90's
Charlize Theron
Leonardo DiCaprio
Patricia Cromwell
Edward Norton
Mariah Carey
Charlie Rose
Marisa Tomei
Tony Bennet

The List goes on, the Plaintiff has now
lost all these images due to the misconduct
defective search warrant and miscarriage
of justice that the plaintiff has had
to

The defendant had a library of rare and out of print books adding up to close to \$50,000.00, due to the fact that the defendant was arrested and remanded he had no opportunity to conduct a proper move. His landlord Mynjak LLC, Jan Zonan, would not allow anyone into the defendant's home until the day before he was to be out, this is the same landlord whose employee the Superintendent (Louis) allowed the detective and his partner to enter the home of the plaintiff where he was illegally arrested.

The plaintiff lost 25 years of his life due to this illegal intrusion and illegal arrest, all the contents of the plaintiff's home were discarded as trash. There is no amount you can put towards the fact that the plaintiff has spent more than 2 years incarcerated for a case with no evidence, a case based on illegal actions of the City of N.Y. and Detective Breslin, as stated stabbed, urinated on, all his belongings stolen on a regular basis, abused by Correction Officers, all due to his being a gay man.

The plaintiff will walk out of jail with nothing, no home, no clothes, no family, no career, nothing all due to the misconduct of the City of NY, Detective Breslin, Jan Zonan, Mynjak LLC, Jennifer Gatien,

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK: PART 51

THE PEOPLE OF THE STATE OF NEW YORK

-against-

MICHAEL TAMMARO,

Defendant.

PEOPLE'S
VOLUNTARY
DISCLOSURE FORM

Dkt. No. 2013NY018307

The People of the State of New York hereby voluntarily disclose to the defendant the following factual information pertaining to the above-captioned case:

A. BILL OF PARTICULARS

1. OCCURRENCE

Date: January 9, 2013
App. Time: 2:27pm
Place: while D was inside of 1818 Hazen Street, East Elmhurst, NY


Date: February 20, 2013
App. Time: 5:13pm
Place: 158 West 14th Street

Date: February 21, 2013
App. Time: 11:00am
Place: 111 8th Avenue

Date: February 22, 2013
App. Time: 5:30pm
Place: 158 West 14th Street

2. ARREST

Date: March 4, 2013
App. Time: 9:45pm
Place: in front of 211 West 20th Street

		New York City Police Department OmniForm System - Arrests	
RECORD STATUS: ARR PRC CMPL		Arrest ID: M13620201 - Q	
Arrest Location: FRONT OF 211 WEST 20 STREET		Pct: 010	
Arrest Date: 03-04-2013		Processing Type: ON LINE	
Time: 21:45:00		DCJS Fax Number: MO013195	
Sector: A		Special Event Code: NA - NARC TNT ENFORC	
Strip Search Conducted: NO		DAT Number: 0	
Viper Initiated Arrest: NO		Return Date: 0000-00-00	
Stop And Frisk: NO			
Serial #: 0000-000-00000			
COMPLAINTS:		Arrest #: M13620201	
COMPLAINT NUMBER		REPORT DATE	
RECORD STATUS		OCCUR DATE	
OCCUR TIME			
2013-010-00924		2013-02-27	
Ready for Signoff, No Arrest		2013-02-20 12:00	
CHARGES:		Arrest #: M13620201	
CHARGE ATTEMPT		LAW CODE	
CLASS TYPE		COUNTS DESCRIPTION	
TOP No		PL 155.30 01 F E 1 GR LAR 4:VALUE PROPERTY >\$1000	
DWI Arrest from:		# Injured: 00	
		# Fatalities: 00	
		Test Given:	
		B.A.C:	
		Reason Not Forfeited:	
DETAILS:		Arrest #: M13620201	
DEFT DID WRITE CHECKS OUT IN HIS NAME AND CASH THEM WITHOUT PERMISSION OR AUTHORITY OF OWNER.			
DEFENDANT: TAMMARO, MICHAEL		NYSID #: M13620201	
Nick/AKA/Maiden:		Height: 5FT 11IN	
Sex: MALE		Weight: 200	
Race: WHITE		Eye Color: BROWN	
Age: 55		Hair Color: GRAY	
Date Of Birth: 12/06/1957		Hair Length: NORMAL	
U.S. Citizen: YES		Hair Style: STRAIGHT	
Place Of Birth: NEW YORK		Skin Tone: LIGHT	
Is this person not Proficient In English?: NO		Complexion: CLEAR	
If Yes, Indicate Language:			
Accent: NO		Soc. Security #:	
		Occupation: UNKNOWN	
Physical Condition: APPARENTLY NORMAL		Lic/Permit Type:	
Drug Used: NONE		Lic/Permit No:	
		Order Of Protection: NO	
		Issuing Court:	
		Docket #:	
		Expiration Date:	
		Relation to Victim: FRIEND/ACQUAINTANCE	
		Living together: NO	
		Can be Identified: YES	
		Gang/Crew Affiliation: NO	
		Name:	
		Identifiers:	
LOCATION		ADDRESS	
CITY		STATE/CNTRY	
ZIP		APT/ROOM	
PCT			
HOME-PERMANENT		211 WEST 20 STREET MANHATTAN NEW YORK	
		6E 010	
Phone # and E-Mail Address:			
N.Y.C.H.A. Resident: NO N.Y.C. Housing Employee: NO On Duty:			
Development: N.Y.C. Transit Employee: NO			
Physical Force: NONE			
Gun:		Make:	
Weapon Used/Possessed: NONE		Recovered:	
Non-Firearm Weapon:		Color:	
Other Weapon Description:		Serial Number Defaced:	
		Caliber:	
		Serial Number:	
		Type:	

New York City Police Department
Arrest Report for Arrest ID: M13620201

ARREST LOCATION: 211 WEST 20 STREET

Arrest Date: 2013-03-04
Arrest Time: 21:45:00
Sector: AProcessing Type: ON LINE
DCJS Fax Number: M0013195
DAT Number: 000000000
DAT Return Date:

Pct: 010

CHARGES:

CHARGE

ATTEMPT?

TOP

No

LAW CODE

PL 1553001

CLASS

E

TYPE

F

COUNTS

0001

DETAILS:

DEFT DID WRITE CHECKS OUT IN HIS NAME AND CASH THEM WITHOUT PERMISSION OR AUTHORITY OF OWNER.

COMPLAINT:

Occurrence Location: 211 WEST 20 STREET

Name of Premise:

Occurrence Time: 12:00:00

Borough: MANHATTAN

Premise Type: RESIDENCE - APT. HO

Occurrence Date: 2013-02-20

Complaint #: 2013-010-000924

Pct: 010

Sector: A

Aided #:

Accident #:

VICTIM: GATIE, JENNIFER

Nick/AKA/Maiden:

Birth Date:

Sex: FEMALE

Race: WHITE

Age: 038

LOCATION

ADDRESS

HOME-PERMANENT

49 BLEECKER STREET APT: 306

HOME-TEMPORARY

BUSINESS

CITY

MANHATTAN

STATE/CNTRY

NY

ZIP

APT/ROOM

306

PCT

009

Phone #:

null

917-853-6591

DEFENDANT: TAMMARO, MICHAEL

Nick/AKA/Maiden:

Sex: MALE
Race: WHITE
Age: 55Date of Birth: 12-08-1957
US Citizen: Y

Place of Birth: NY

Physical Condition: APPARENTLY NORMAL

Drug Used: NONE

Occupation: UNKNOWN

Height: 5 FT 11 IN

Weight: 0200 Lbs

Eye Color: BROWN

Hair Color: GRAY

Hair Length: NORMAL

Hair Style: STRAIGHT

Skin Tone: LIGHT

Complexion: CLEAR

Soc. Security #: 000000000

Lic/Permit Type:

Lic/Permit No.:

NYSID: 12003126N

Relation to Victim: FRIEND/ACQUAINTANCE

Living Together: NO

Gang Affiliation: NO

Name:

LOCATION

ADDRESS

HOME-PERMANENT

211 WEST 20 STREET APT: 6E

HOME-TEMPORARY

BUSINESS

CITY

MANHATTAN

STATE/CNTRY

NY

ZIP

APT/ROOM

6E

PCT

010

Phone

Physical Force: NONE

Weapon Used/Possessed: NONE

Non-Firearm Weapon:

Other Weapon Description:

Gun:

Make:

Color:

Caliber:

Type:

CRIME DATA

IMPERSONATION

DETAILS

UNKNOWN

NOV 25 2013

CRIMINAL COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

IN THE MATTER OF AN APPLICATION FOR A
WARRANT TO SEARCH THE PREMISES LOCATED AT
211 WEST 20TH STREET, APARTMENT 6E, NEW YORK, NEW
YORK ("THE TARGET PREMISES") AND ANY ELECTRONIC
STORAGE AND COMMUNICATION DEVICES FOUND
THEREIN

200/13

AFFIDAVIT IN SUPPORT OF
SEARCH WARRANT

Detective Christopher Breslin, Shield # 71, of Precinct 10th, New York City Police
Department, being duly sworn, deposes and says:

1. I am a Detective, Shield #71, assigned to the Precinct 10th, and as such I am a
public servant of the kind specified in CPL 690.05(1).

2. This affidavit is submitted in support of an application for a warrant to search 211
West 20th Street, Apartment 6E, New York, New York ("the target premises"), where there is
reasonable cause to believe that evidence of the commission of the crime[s] Grand Larceny in the
Fourth Degree (PL 155.30), Forgery in the Second Degree (170.10)), and Identity Theft in the
Second Degree (190.79), including but not limited to the following property may be found:

a. Any and all JP Morgan Chase Bank Checks;

b. evidence demonstrating (directly or indirectly) defendant's possession of the
personal identifying information belonging to others, including, handwritten receipts,
electronic receipts and/or electronic communications from corporations or banks that
issued the defendant credit in the name or account numbers of other individuals;

c. All computers (including, but not limited to any laptop computers, hard drives, or
I-Pad devices), stored electronic communications, data, information and images
contained in computer disks, USB storage devices, CD ROMs and hard drives,
tending to demonstrate cash transactions or financial transfers derived from the
possession of cash currency, money orders, bank receipts, stocks, bonds, bills and
receipts for goods and services, documents relating to real estate holdings, and any
title or registration to motor vehicles, other financial receipts, and records;

d. evidence of ownership and use of the target premises, or the use of property located therein by any person, including but not limited to keys, telephone bills, utility bills, bank statements, leases, deeds, or rent receipts related to the target premises or other real property, mail addressed to or from the target premises or other documents bearing the address of the target premises, identification bearing the name or photograph of any person, telephone-books, address books, date books, calendars, personal papers, and videotapes and photographs of persons

3. It is also requested for evidentiary purposes that this Court grant authorization for law enforcement personnel to videotape and photograph the interior of the target premises; and to analyze, test, and in any way scientifically process the target premises and all the items seized.

4. With respect to the stored electronic communications, data, information and images contained in computer disks, CD ROMs and hard drives, described above, it is also requested that this Court grant permission to retrieve the above-described communications, data, information, and images, and print them or otherwise reproduce them by converting them or copying them into storage in another device.

5. The examination of any electronic storage or communication devices (including, but not limited to computers, computer hard drives, and I-Pad devices) can be a time-consuming process due to the constantly changing universe of technologies, models, operation systems, and types of content stored. Further, searching electronic storage or communication devices often requires that the search be completed by a qualified person in a laboratory or other controlled environment because of the volume of evidence and technical requirements of the forensic examination. It is therefore requested that the warrant be deemed executed at the time and date of judicial authorization as it relates to electronic storage or communication devices, and that further analysis of any electronic storage or communication devices and its contents be permitted at any time thereafter.

6. As set forth below, there is reasonable cause to believe the above described property is stolen, the above described property is unlawfully possessed, the above described property has been used, or is possessed for the purpose of being used to commit or conceal the commission of an offense, and the above described property constitutes evidence or tends to demonstrate that an offense was committed or that a particular person participated in the commission of said offense.

a. I am informed by Jennifer Gatien, an identified citizen informant, that Ms. Gatien is the holder of a JP Morgan Chase checking account 408061294. I am further informed by Ms. Gatien that the following three checks were made and drawn on the account of Ms. Gatien without her permission or authority: a check dated 2/20/13 in the amount of \$150; (ii) a second check dated 2/20/13 in the amount of \$150; and (iii) a third check dated 2/22/13 in the amount of \$1,000. I further state that I have reviewed all of the checks referenced above and that each check was made payable to an individual named Michael Tammaro. I further state that the checks carry the following check numbers 9992, 9995, 9996.

b. I am further informed by Ms. Gatien that among other unauthorized charges there is a

therefore requested that the warrant be deemed executed at the time and date of judicial authorization as it relates to electronic storage and communication devices, and that further analysis of any electronic storage or communication devices and its contents be permitted at any time thereafter.

No previous application has been made in this matter to any other Judge, Justice, or Magistrate.

Chris Breslin

Detective
Christopher Breslin

Jonathan Dreyfuss

APPROVED Assistant District Attorney

Sworn to before me this
March 7, 2013

HON. NEIL E. ROSS

Judge

11:05 AM

Laura DeMattia

Name of Court Reporter

CRIMINAL COURT FOR THE CITY OF NEW YORK
COUNTY OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK

against-

FELONY

Michael Tanimaro (M 55),

Defendant.

ADA Sherrin Walton
(212) 335-9944

Detective Christop Breslin, Shield 71 of the 10th Precinct Detective Squad, states as follows:

The defendant is charged with:

- | | |
|----------------|--|
| 1 PL 170.10(1) | Forgery in the Second Degree
(defendant #1: 3 counts) |
| 2 PL 170.25 | Criminal Possession of a Forged Instrument in the
Second Degree
(defendant #1: 3 counts) |
| 3 PL 155.30(1) | Grand Larceny in the Fourth Degree
(defendant #1: 1 count) |

On or about February 20, 2013 at about 12:00 PM, at 14th Street & 7th Avenue in the County and State of New York, the defendant, with intent to defraud, deceive and injure another, falsely completed a written instrument which, if completed, purported to evidence and affect a legal right; the defendant uttered and possessed a forged instrument of a kind specified in section 170.10 of the Penal Law and particularized below with knowledge that the instrument was forged and with intent to defraud, deceive and injure another; the defendant stole property valued in excess of 1,000 dollars.

The factual basis for these charges are as follows:

I am informed by Jennifer Gaudin, of an address known to the District Attorney's Office, that the following three checks were made and drawn on the account of Ms. Gaudin without her permission or authority: a check dated 2/20/13 in the amount of \$150; (ii) a second check dated 2/20/13 in the amount of \$150; and (iii) a third check dated 2/22/13 in the amount of \$1,000. I am further informed by Ms. Gaudin that each of the checks referenced above were made payable to the defendant without her permission or authority.

The defendant did state in substance: SHE LEFT THOSE CHECKS FOR ME. SHE SIGNED THEM BUT THEY WERE BLANK SO I PUT MY NAME ON IT AND THE AMOUNTS. I CASHED THEM AT THE CHASE BANK ON 14TH STREET AND 7TH AVENUE.

Trial Transcript

It is clear reading the testimony of Detective Breslin, shield 71, that he conducted no investigation, he states that when one does a investigation one conducts interviews, talking to people finding evidence, Detective Breslin conducted none of the above, he admits that he never spoke again to Ms. Gorton after her complaint filed on Feb. 27, 2013, he states he never contacted the bank, it is clear that the entire conversation between Detective Breslin and the complainant Ms. Gorton ~~was~~ was entirely hearsay at the N.D.A also clearly points out

that the conversations between Mrs.

Guthrie (the complainant) is hearsay.

The facts show the detective Breslin with no investigation, copies of checks in which he can not remember if she actually had the checks in her possession, it does not state she had the copies, all it states is what she states (Hearsay) again, there was no information on the checks to prove they were actually Mrs. Guthrie's checks, at no time did he or any one else (D.A.'s office) have the original checks.

MS. Gntien was the Sub-tenant of the plaintiff, he was her landlord. Detective Breslin states he does not get involved in Tenant - Landlord complaints. The 3 checks where written out to MICHAEL TAMMARO, the landlord of the complainant, in the reference it is written RENT, MS Gntien has re-admitted under oath she owes the plaintiff rent, Detective Breslin has stated that he knew MS. Gntien was living in the plaintiff's home, the fact that the checks are written out to the plaintiff, MICHAEL TAMMARO, shows no forgery.

Enclosed is A document (Exhibit 9) stating that the plaintiff was being charged with Forgery in the Second Degree (4 counts) as just stated the plaintiff was the drawer of the checks he was the landlved of the complainant he was the ostensible maker hence no Forgery, (2) A person can not be charged with both Forgery and possession of a forged instrument, he was. It also states that the plaintiff. cashed the 3 checks with the intent to defraud, deceive and injure another.

The plaintiff went to his branch of banking (14 + 7th Chinese Bank) where he has had an account for 7 yrs. He presented the check written to him in his name with proper identification to the teller, the teller then made an identification of the account holder's signature (Ms. Gation) this occurred 3 times in all 3 times the checks were cashed, there was no check or intent to defraud, no injury, Mr. Gation owes rent, the 3 checks were for monies owed.

This document (Exhibit 9) also states that the plaintiff states "SHE Left those checks for me. SHE signed them. But they were blank so I put my name on it and the amounts, I cashed them at the Chase Bank on 14th St. and 7th Ave."

Now where in my written statement do I state this, this is again Dr. Bradin not being truthful; he lies on and on throughout this entire case, All proven..



NYPD PETS PROPERTY AND EVIDENCE
TRACKING SYSTEM
Property Clerk Invoice
PD 521-141 (Rev. 11/09)



Invoice No. 1000304053

Item	Total QTY	Article(s)	PETS No.	Pkg. QTY	Disposition
9	1	COMPUTER - HARDWARE COLOR: WHITE MAKE: APPLE MODEL: A1408 SERIAL NO.: C88GPAN8PM72 ROUTER	1300120749	1	
10	1	COMPUTER - HARDWARE COLOR: BLACK MAKE: GLYPH HARD DRIVE SERIAL NO.: 11057403CB EXTERNAL HARD DRIVE	1300120749	1	

REMARKS:

905825 03/12/2013 11:02 : ABOVE PROPERTY VOUCHERED AS INVESTIGATORY. RECOVERED FROM SUBJECTS APARTMENT AFTER EXECUTION OF SEARCH WARRANT.

Date Of Incident	Panel Code/Description	Crime Classification	Related To	Receipt
02/20/2013	15530/GRAND LARC	FELONY	N/A	REFUSED

Priisoner(s) Name	D.O.B	Age	Address	Arrest No./Summons No.	NYSID No.
1. TAMMARO, MICHAEL	12/06/1957	55	211 WEST 20 STREET, 6E, MANHATTAN, NY	M13620201	12003128N

Name	Tax No.	Address	Phone No.
Finder(s)	BRESLIN, CHRISTOPHE	905825	1 POLICE PLAZA NEW YORK, NY 10038
Owner(s)	TAMMARO, MICHAEL		211 WEST 20 STREET, 6E, MANHATTAN, NY
Complainant(s)	GATIEN, JENNIFER		[REDACTED] NY

Complaint No. 2013-010-00824

Related Comp No.(s) N/A

Alleged/Accident No.(s) N/A

Related Invoice(s) N/A

Approvals	Rank	Name	Tax No.	Command	Date	Time
Entered By	DT2	BRESLIN, CHRISTOPHE	905825	10TH DET SQUAD	03/12/2013	10:25
Invoicing Officer	DT2	BRESLIN, CHRISTOPHE	905825	10TH DET SQUAD	03/12/2013	11:05
Approved By	LT	HOULIHAN, BRIAN	915912	10TH DET SQUAD	03/12/2013	11:06



Invoice No. 1000304053

ADA Copy
printed: 03/12/2013 11:06

PCD Storage No. --

Page No. 2 of 3

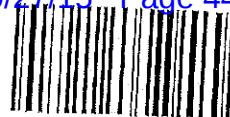
-18-

I had 8 hard Drives
he list 1.

I had IPAD
other things gone not
listed



NYPD PETS PROPERTY AND EVIDENCE
TRACKING SYSTEM
Property Clerk Invoice
PD 021-141 (Rev. 11/09)



Invoice No. 1000304053

Invoking Command
10TH PCT.

Invoice Date

03/12/2013

Property Type

GENERAL PROPERTY

Invoice Status

OPEN

Property Category

INVESTIGATORY

Officer	Rank	Name	Tex No.	Command	
Invoking	DT2	BRESLIN, CHRISTOPHE	905925	10TH DET SQUAD	OCME, EU No.
Arresting	N/A				OCME, FB No.
Investigating	DT2	BRESLIN, CHRISTOPHE	905925	10TH DET SQUAD	Pollon Lab Evid. Ch. No.
Det Squad Supervisor	LT	HOULIHAN, BRIAN	915912	10TH DET SQUAD	Det Sqd. Case No.
CSU/ECT Processing	N/A				CSU/ECT Run No.
					281
					N/A

Item	Total QTY	Article(s)	PET# No.	Pkg. QTY	Disposition
1	1	COMPUTER # DESKTOP COLOR: GRAY MAKE: APPLE MODEL: A12255 SERIAL NO.: QP8090F1X89	5334141	1	
2	1	COMPUTER - ACCESSORIES COLOR: WHITE POWER CORD	1300120749	1	
3	1	COMPUTER - ACCESSORIES COLOR: GRAY CONNECTION CORD	1300120749	1	
4	1	COMPUTER - ACCESSORIES COLOR: GRAY APPLE COMPUTER KEYBOARD	1300120749	1	
5	1	COMPUTER - ACCESSORIES COLOR: WHITE APPLE COMPUTER MOUSE	1300120749	1	
6	1	COMPUTER # DESKTOP COLOR: WHITE MAKE: APPLE IMAC SERIAL NO.: W84408U9PP7	5334142	1	
7	1	COMPUTER - ACCESSORIES COLOR: WHITE APPLE COMPUTER KEYBOARD	1300120749	1	
8	1	COMPUTER - ACCESSORIES COLOR: WHITE APPLE COMPUTER POWER CORD	1300120749	1	



Invoice No. 1000304053

ADA Copy

Printed: 03/12/2013 11:08

PCD Storage No. --

Page No. 1 of 3



NYPD PETS PROPERTY AND EVIDENCE
TRACKING SYSTEM
Property Clerk Invoice
PD 521-161 (Rev. 1/10/09)



Invoice No. 1000304099

Invoking Command
10TH PCT.

Invoice Status

OPEN

Invoice Date
03/12/2013

Property Type
GENERAL PROPERTY

Property Category

INVESTIGATORY

Officers	Rank	Name	Tex No.	Command	OCME: EV No.
Invoking	DT2	BRESLIN, CHRISTOPHE	905825	10TH DET SQUAD	OCME: FB No.
Arresting	N/A				Police Lab Evid. Cont. No.
Investigating	DT2	BRESLIN, CHRISTOPHE	905825	10TH DET SQUAD	Det. Sqd. Case No.
Det. Squad Supervisor	LT	HOULIHAN, BRIAN	915912	10TH DET SQUAD	281
CSU/ECT Processing	N/A				CSU/ECT: Rpt. No.
					N/A

Item	Total QTY	Article(s)	PETS No.	Pkg. QTY	Disposition
1	1	CHECKBOOK DOCUMENT HOLDER'S NAME: JENNIFER GATIE DOCUMENT NO.: 408061294 ISSUER'S NAME: CHASE BANK	1201388481	1	
2	1	CELL PHONE COLOR: RED SERIAL NO.: 006KPSL004006 IMEI #: 012281000040065	1201388479	1	
3	1	CELL PHONE MODEL: 66SP COLOR: BLUE, DARK MAKE: T-MOBILE SERIAL NO.: RAD155 IMEI #: 013088002887384	1201388479	1	
4	1	CELL PHONE MODEL: XT610 COLOR: BLACK MAKE: VERIZON IMEI #: 353635040175545	1201388479	1	
5	1	CELL PHONE MODEL: A1387 COLOR: WHITE MAKE: APPLE I-PHONE CRACKED APPLE I-PHONE	1201388479	1	
6	1	CELL PHONE MODEL: R730A COLOR: BLACK MAKE: KYOCERA	1201388479	1	
7	1	MP3 PLAYER MODEL: IPOD COLOR: BLACK MAKE: APPLE SERIAL NO.: 9E0121DM75J	1201388479	1	



Invoice No. 1000304099

Printed: 03/12/2013 14:04

PCD Storage No. --

Page No. 1 of 2



ZACHARY W. CARTER
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

MEMO ENDORSED

DAVID COOPER
Assistant Corporation Counsel
phone: (212) 356-3535
fax: (212) 356-3509
email: dcooper@law.nyc.gov

August 11, 2015

VIA ECF

The Honorable Kenneth M. Karas
United States District Judge
The Hon. Charles L. Brieant Jr. Federal Building and United States Courthouse
300 Quarropas St.
White Plains, NY 10601

Re: Michael Tammaro v. City of New York, et al., No. 13 Civ. 6190 (KMK)

Your Honor:

I am an Assistant Corporation Counsel in the Office of Zachary W. Carter, Corporation Counsel of the City of New York, and the attorney assigned to the above-referenced matter on behalf of the Office of the Corporation Counsel of the City of New York ("this Office" or "Corporation Counsel"), an interested party in this action. Without appearing or making any representations on behalf of any of the named defendants in this action, I respectfully write to request that the Court *sua sponte* dismiss the action in its entirety, pursuant to FED. R. CIV. P. 41(b), for plaintiff's failure to prosecute this matter. In accordance with Your Honor's individual rules of practice, this Office respectfully requests that Your Honor schedule a conference to address their anticipated motion.

I. Background.

By way of background, on August 30, 2013, plaintiff filed a Complaint alleging, *inter alia*, that on March 4, 2013, at 211 West 20th St., New York, NY 10011, Detective Christopher Breslin entered his apartment, without a warrant and with the assistance of the building's superintendent, and arrested plaintiff. (See Compl., at 5.) Plaintiff purports to name the City, "Detective Christop Breslin," "Minjak L.L.C.," "Jan Zonan," "Tri Management," and "John Doe Super Intendant [*sic*]" as defendants. (See generally Compl.) In an Order dated October 24, 2013 ("October 2013 Order"), the Court directed plaintiff to complete a USM-285 form for each named defendant that he wished to serve. The Court also cautioned plaintiff that if he did not facilitate service on the named defendants within thirty days of the Order, "under Rule 41(b) of the Federal Rules of Civil Procedure, the Court may dismiss this action for failure to prosecute." (See Oct. 2013 Order, at 3-4.) In a letter dated May 8, 2014, plaintiff wrote to the Court seeking advice on how to proceed in this matter and indicated that he did not receive until

April 23, 2014, *inter alia*, an Order of Service and “Process Receipt and Return Forms for Marshall.” (See ECF No. 12.)

On July 28, 2014, this Office notified the Court that none of the named defendants had been served, and hoped that the Court would *sua sponte* adjourn the Initial Conference scheduled for August 5, 2014 to a later date. (See ECF No. 16.) The Court endorsed the Letter on July 31, 2014, adjourned the Initial Conference to November 7, 2014, and instructed plaintiff to “make all efforts to properly serve all defendants.” (See ECF No. 17.) On August 6, 2014, plaintiff wrote a letter to the Court stating that he was waiting for his criminal case to close, and that he was “quite confident everyone will be served properly as the case should be over soon.” (See ECF No. 18.) By October 31, 2014, no further entries had appeared on the docket sheet—and none of the named defendants had been served with process—when this Office moved to dismiss for failure to prosecute. (See ECF No. 19.) On November 3, 2014, the Court ordered plaintiff to advise the Court by November 12, 2014 what efforts he made to serve the named defendants. (See ECF No. 20.) New York City Department of Correction (“DOC”) records reveal that plaintiff was incarcerated at GMDC under Book and Case No. 875-14-00750 from June 17, 2014 to November 18, 2014. See *ILS – Inmate Lookup System*, N.Y.C. DEP’T OF CORR. (Aug. 5, 2015, 6:18 PM), <http://services.doc.nycnet/inmatetracking/pages/common/find.jsf>. Nothing on the docket sheet indicates that the Court’s correspondence to plaintiff during that time was returned as undeliverable.

In plaintiff’s letter dated February 20, 2015 (“February 20 Letter”), he noted that he was “not receiving [his] mail in enough time to make arrangements to respond or set up conference [sic]. Plaintiff also raises “the issue that d.O.C. [sic] had lost all [his] legal work including the proper affidavits to be served to the defendants,” and “enclose[ed] the letter that the prisoners rights [sic] sent to the commissiioner [sic] explaining that all [his] legal work was lost” The February 20 Letter includes a printout of an email dated December 15, 2014, sent by Staff Attorney Dale Walker of at the Legal Aid Society, which states that “[plaintiff] needs DOC staff to retrieve and return to him various legal documents that are stored at the GRVC jail, from which he left Rikers for Ulster on November 26th.” However, during the entire span of the events recounted in the previous paragraph, plaintiff was held at one facility. He has never explained what accounted for what is now a yearlong delay in service of process, and has never even acknowledged that his responses to the Court’s Orders are still outstanding. On April 16, 2015, plaintiff wrote a letter to the Court stating that he was “now devoting all [his] time” to litigating this case. (See ECF No. 33.) However, he still has yet to serve any named defendant.

II. This Office requests that the entire action be dismissed for failure to prosecute.

Plaintiff filed the Complaint nearly two years ago. To date, not a single named defendant has been served with process. Federal Rule of Civil Procedure 41(b) provides a district court with the “authority to dismiss a plaintiff’s case . . . for failure to prosecute.” *LeSane v. Hall’s Sec. Analyst, Inc.*, 239 F.3d 206 (2d Cir. 2001) (citing *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630 (1962)). While the Second Circuit has “acknowledged that dismissal is a ‘harsh remedy to be utilized only in extreme situations,’ ” it has also emphasized that such a measure is “vital to the efficient administration of judicial affairs and provides meaningful access for other prospective litigants to overcrowded courts.” *Lyell Theatre Corp. v. Loews Corp.*, 682 F.2d 37, 42 (2d Cir. 1982) (citing *Theilmann v. Rutland Hosp., Inc.*, 455 F.2d 853, 855 (2d Cir.

1972). In reviewing a dismissal for failure to prosecute, the Court must determine whether “(1) the plaintiff’s failure to prosecute caused a delay of significant duration; (2) plaintiff was given notice that further delay would result in dismissal; (3) defendant was likely to be prejudiced by further delay; (4) the need to alleviate court calendar congestion was carefully balanced against plaintiff’s right to an opportunity for a day in court; and (5) the trial court adequately assessed the efficacy of lesser sanctions.” Brow v. City of New York, 391 F. App’x 935, 936 (2d Cir. 2010) (citation omitted). No one factor is dispositive. Id.

Here, the balance of the factors enunciated in Brow warrants dismissal. As an initial matter, plaintiff has yet to serve *any* named defendant in the 23 months this action has been pending in the Southern District of New York. “It is unquestioned that an unreasonable delay in serving process can constitute a failure to prosecute.” Europacific Asset Mgmt. Corp. v. Tradescape, Corp., 233 F.R.D. 344, 351 (S.D.N.Y. 2005) (internal quotation marks omitted) (collecting cases holding that delays under two years are unreasonable). Plaintiff has twice been ordered to provide the Court and this Office with an explanation of his efforts to serve the named defendants; once on November 3, 2014 and again on November 19, 2014. (See ECF Nos. 20, 22.) To date no explanation has been forthcoming. Because “[a] plaintiff’s lack of diligence alone is enough for dismissal,” see Zapata v. Isabella Geriatric Center, No. 12 Civ. 738 (ALC) (DF), 2013 U.S. Dist. LEXIS 59801, at *4 (S.D.N.Y. Apr. 1, 2013), the Court is entitled to dismiss the action on this basis. Plaintiff has also been on notice that his failure to comply with a Court Order could result in dismissal of the action. As an initial matter, “a court is not required to give notice to a party that its claim(s) face dismissal.” See Europacific Asset Mgmt. Corp., 233 F.R.D. at 353. Nevertheless, in the October 2013 Order, Your Honor specifically cautioned plaintiff that “under Rule 41(b) of the Federal Rules of Civil Procedure, the Court may dismiss this action for failure to prosecute” if he did not facilitate service on the named defendants within a specified time frame. (See Oct. 2013 Order, at 3-4.) “A court’s prior warning of dismissal, and subsequent inaction by a plaintiff, weighs in favor of dismissal.” See id.

This Office is also prejudiced by being required to litigate without the benefit of plaintiff’s participation. “Prejudice may be presumed as a matter of law in certain cases, but the issue turns on the degree to which the delay was lengthy and inexcusable.” Watkins v. Merchese, No. 13 Civ. 3267 (GBD) (SN), 2015 U.S. Dist. LEXIS 100510, at *29 (S.D.N.Y. June 17, 2015) (internal quotation marks omitted) (noting that a “presumption of prejudice is valid . . . where ‘plaintiff[s] delay is part of a deliberate patterns and comes in the face of clear, repeated Court orders’”); see also Europacific Asset Mgmt. Corp., 233 F.R.D. at 353 (“The probability of prejudice to a defendant that has not been served process for a particularly long period of time is high.”) Furthermore, allowing this case to continue would burden the Court’s overcrowded docket with a case that plaintiff seemingly has little interest in prosecuting. Plaintiff has had ample time to proceed with his case—the Court has afforded him numerous opportunities to litigate this matter in nearly 2 years since he commenced this action. See Terry v. Vill. of Ossining, No. 12 Civ. 5855 (ER), 2013 U.S. Dist. LEXIS 158864, at *22 (S.D.N.Y. Nov. 5, 2013). Finally, plaintiff’s prior conduct suggests that lesser sanctions will be inadequate here. See McAllister v. Garrett, No. 10 Civ. 3828 (LAP) (HBP), 2015 U.S. Dist. LEXIS 48131, at *10 (S.D.N.Y. Mar. 11, 2015) (“Plaintiff’s historical pattern of not responding to court orders in this case gives this Court no reason to believe that lesser sanctions would be effective in compelling Plaintiff to take action in this case.”)

III. Conclusion

For the reasons set forth above, and in accordance with Your Honor's individual rules, this Office respectfully requests that Your Honor schedule a pre-motion conference in advance of the anticipated Rule 41(b) motion.

Thank you for your consideration in this regard.

Respectfully submitted,

DAVID COOPER
Assistant Corporation Counsel
Special Federal Litigation Division

To: VIA FIRST CLASS MAIL¹
Michael Tammaro # 875-140-0750
George Motchan Detention Center
15-15 Hazen St.
East Elmhurst, NY 11370

Michael Tammaro # 13A3163
Collins Correctional Facility
Middle Road
PO Box 490
Collins, NY 14034

Plaintiff is to respond to this
letter by September 14, 2015.

So ordered.
MK
8/14/15

¹ Although the docket sheet lists plaintiff's address as George Motchan Detention Center ("GMDC"), upon information and belief, plaintiff was discharged from GMDC on May 20, 2015 to be transferred to state prison. He is currently incarcerated at Collins Correctional Facility. Accordingly, this letter is being sent both to plaintiff's GMDC and Collins addresses. This Office respectfully notes that "[t]he duty to inform the Court and defendants of any change of address is an obligation that rests with all *pro se* plaintiffs." See Hall v. DOC Dep't of Corr. OBCC-CPSU, No. 11 Civ. 406 (JMF), 2013 U.S. Dist. LEXIS 79863, at *4 (S.D.N.Y. June 5, 2013); see also Martin v. McCraw, No. 12 Civ. 8162 (PAC) (DF), 2014 U.S. Dist. LEXIS 84393, at *8 (S.D.N.Y. June 18, 2014) (referring to a *pro se* litigant's obligation to keep the Court apprised of any change in address as a "minimal obligation"). Finally, this Office additionally notes that the October 2013 Order stated as follows: "Finally, it is Plaintiff's obligation to promptly submit a written notification to the Court if his address changes, and the Court may dismiss the action if he fails to do so."

DECLARATION OF SERVICE BY MAIL

I, David Cooper, declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that on August 11, 2015, I served the following documents:

- Copy of Letter, dated August 11, 2015

upon the *pro se* plaintiff herein, by depositing a copy of same, enclosed in a first class postpaid properly addressed wrapper, in a post office depository under the exclusive care and custody of the United States Postal Service, within the State of New York, directed to said *pro se* plaintiff at the address set forth below, being the address designated by *pro se* plaintiff for that purpose:

Michael Tammaro # 875-140-0750
George Motchan Detention Center
15-15 Hazen St.
East Elmhurst, NY 11370

Michael Tammaro # 13A3163
Collins Correctional Facility
Middle Road
PO Box 490
Collins, NY 14034

Dated: New York, New York
August 11, 2015

DAVID COOPER
ASSISTANT CORPORATION COUNSEL
SPECIAL FEDERAL LITIGATION

~~MICHAEL TAMMARO~~
~~COLLINS CORRECTIONAL FACILITY~~
~~P.O. BOX 340~~
~~COLLINS, NY 14034-0340~~

Oct 22

Sept. 15, 2015

To: Pro Se Office Re: Court case Number/ 13CV6190

TO Whom it May Concern,

Enclosed there is my Process Receipt Papers and my facts, please can you write me back and inform me that you received this package. I am presently being housed/incarcerated at Collins Correctional Facility, my Din # is 13A3163 I am in dorm A-2

I did sent a package about 6 months ago and your office told me i was not received, as you can see this is my amended suit, there was more misconduct by Detective Breslin after my initial filing.

Please again is it possible to inform me this has been received a and what the next step is,

Respectfully,

Michael Tammaro

I am now at
Sethpet Correctional Facility
P.O. Box 2000
Pine City, NY 14871-2000

MICHAEL TAMMAREO
DIN # 13-A-3163
Southport Correctional Facility
P.O. Box 2000
Pine City, N.J. 14871-2000

OCT 20, 2015

RECEIVED
SDNY PRO SE OFFICE
2015 OCT 27 AM 10:55

To: Pro Se OFFICE

Re: MICHAEL TAMMAREO City of New York
et al. No 13 Civ 6190 (cmk)

To Whom it may concern,


Enclosed is my Amended Suit, I have
Exhibits that will be to you within the week,
I am not sure how much longer I was be
at the Facility, I will write if I am moved.

Please if you could inform me if I have
proceeded incorrectly. Please excuse the
penmanship, I have no access to a typewriter.

Thank You.
Respectfully,

MICHAEL TAMMAREO DIN # 13 A 3163

The address listed on the Process
Serve Documents has changed, not sure
if this is a problem.

A handwritten signature in black ink, consisting of a stylized 'A' followed by a cursive 'L' and a horizontal stroke.

U.S. Department of Justice
United States Marshals Service

PROCESS RECEIPT AND RETURN
See "Instructions for Service of Process by U.S. Marshal"

PLAINTIFF MICHAEL TAMMARO	COURT CASE NUMBER 13CV0190 (KMK)
DEFENDANT THE CITY of NEW YORK	TYPE OF PROCESS

NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN
DAVID COOPER, LAW DEPT., The City of New York
ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code)
100 CHURCH STREET, NEW YORK, NEW YORK, 10007

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW

MICHAEL TAMMARO
DIN# 13-A-3163
COLLINS CORRECTIONAL FACILITY
14034-0340 P.O. BOX 340 COLLINS, NEW YORK

Number of process to be served with this Form 285

Number of parties to be served in this case **4**

Check for service on U.S.A.

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available for Service):

Fold

Fold

Signature of Attorney other Originator requesting service on behalf of:

☐ PLAINTIFF
☐ DEFENDANT

TELEPHONE NUMBER

DATE

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY-- DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated. (Sign only for USM 285 if more than one USM 285 is submitted)

Total Process

District of Origin

District to Serve

Signature of Authorized USMS Deputy or Clerk

Date

I hereby certify and return that I ☐ have personally served, ☐ have legal evidence of service, ☐ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above on the on the individual, company, corporation, etc. shown at the address inserted below.

☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc. named above (See remarks below)

Name and title of individual served (if not shown above)

☐ A person of suitable age and discretion then residing in defendant's usual place of abode

Address (complete only different than shown above)

Date

Time

☐ am
☐ pm

Signature of U.S. Marshal or Deputy

Service Fee	Total Mileage Charges including endeavors	Forwarding Fee	Total Charges	Advance Deposits	Amount owed to U.S. Marshal* or (Amount of Refund*)
					\$0.00

REMARKS:

DISTRIBUTE TO:

1. CLERK OF THE COURT
2. USMS RECORD
3. NOTICE OF SERVICE
4. BILLING STATEMENT*: To be returned to the U.S. Marshal with payment, if any amount is owed. Please remit promptly payable to U.S. Marshal.
5. ACKNOWLEDGMENT OF RECEIPT

PRIOR EDITIONS MAY BE USED

U.S. Department of Justice
United States Marshals Service

PROCESS RECEIPT AND RETURN
See "Instructions for Service of Process by U.S. Marshal"

PLAINTIFF Michael Tammaro		COURT CASE NUMBER 13 CV6190
DEFENDANT Detective Christopher Breslin Shield 71		TYPE OF PROCESS (KMK)
NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN Detective Christopher Breslin Shield 71		
ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code) Precinct 10 230 W. 20th St. NY, NY 10011		
SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW		Number of process to be served with this Form 285
Michael Tammaro Din#13A3163 Collins Correctional Facility PO Box 340 Collins NY 14034-0340		Number of parties to be served in this case 4
		Check for service on U.S.A.

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available for Service):

Fold

Fold

Signature of Attorney other Originator requesting service on behalf of:	<input type="checkbox"/> PLAINTIFF <input type="checkbox"/> DEFENDANT	TELEPHONE NUMBER	DATE
---	--	------------------	------

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY-- DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated. (Sign only for USM 285 if more than one USM 285 is submitted)	Total Process	District of Origin	District to Serve	Signature of Authorized USMS Deputy or Clerk	Date
		No. _____	No. _____		

I hereby certify and return that ☐ I have personally served, ☐ I have legal evidence of service, ☐ I have executed, as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above on the on the individual, company, corporation, etc. shown at the address inserted below.

☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc. named above (See remarks below)

Name and title of individual served (if not shown above)

☐ A person of suitable age and discretion then residing in defendant's usual place of abode

Address (complete only different than shown above)

Date _____ Time _____ ☐ am ☐ pm

Signature of U.S. Marshal or Deputy

Service Fee	Total Mileage Charges including endeavors	Forwarding Fee	Total Charges	Advance Deposits	Amount owed to U.S. Marshal* or (Amount of Refund*)
					\$0.00

REMARKS:

DISTRIBUTE TO:

1. CLERK OF THE COURT
2. USMS RECORD
3. NOTICE OF SERVICE
4. BILLING STATEMENT*: To be returned to the U.S. Marshal with payment, if any amount is owed. Please remit promptly payable to U.S. Marshal.
5. ACKNOWLEDGMENT OF RECEIPT

PRIOR EDITIONS MAY BE USED

U.S. Department of Justice
United States Marshals Service

PROCESS RECEIPT AND RETURN
See "Instructions for Service of Process by U.S. Marshal"

PLAINTIFF	MICHAEL TAMMARO	COURT CASE NUMBER	13 CV 6190 (RMC)
DEFENDANT	MINJAK L.L.C. / JAN ZONAN "individual"	TYPE OF PROCESS	
SERVE AT	NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN		
	ROSENBERG & ESTIS, P.C. ATTN: EMILY PRAGER ESQ. ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code) 733 THIRD AVE. NEW YORK NY 10017		
SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW		Number of process to be served with this Form 285	
MICHAEL TAMMARO COLLINS CORRECTIONAL FACILITY P.O. BOX 340 COLLINS N.Y. 14034-0340		Number of parties to be served in this case	4
		Check for service on U.S.A.	

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available for Service):

Fold

Fold

Signature of Attorney other Originator requesting service on behalf of:	<input type="checkbox"/> PLAINTIFF <input type="checkbox"/> DEFENDANT	TELEPHONE NUMBER	DATE
---	--	------------------	------

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY-- DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated. (Sign only for USM 285 if more than one USM 285 is submitted)	Total Process	District of Origin	District to Serve	Signature of Authorized USMS Deputy or Clerk	Date
		No. _____	No. _____		

I hereby certify and return that I ☐ have personally served, ☐ have legal evidence of service, ☐ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above on the on the individual, company, corporation, etc. shown at the address inserted below.

☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc. named above (See remarks below)

Name and title of individual served (if not shown above)	<input type="checkbox"/> A person of suitable age and discretion then residing in defendant's usual place of abode
Address (complete only different than shown above)	Date _____ Time _____ <input type="checkbox"/> am <input type="checkbox"/> pm Signature of U.S. Marshal or Deputy _____

Service Fee	Total Mileage Charges including endeavors	Forwarding Fee	Total Charges	Advance Deposits	Amount owed to U.S. Marshal* or (Amount of Refund*)
					\$0.00

REMARKS:

DISTRIBUTE TO:

1. CLERK OF THE COURT
2. USMS RECORD
3. NOTICE OF SERVICE
4. BILLING STATEMENT*: To be returned to the U.S. Marshal with payment, if any amount is owed. Please remit promptly payable to U.S. Marshal.
5. ACKNOWLEDGMENT OF RECEIPT

PRIOR EDITIONS MAY BE USED

U.S. Department of Justice
United States Marshals Service

PROCESS RECEIPT AND RETURN
See "Instructions for Service of Process by U.S. Marshal"

PLAINTIFF tiff MICHAEL TAMMARO	COURT CASE NUMBER 13CV6190
DEFENDANT	TYPE OF PROCESS

JENNIFER GATIEN

NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN

SERVE **JENNIFER GATIEN**

AT **49 BLEEKER STREET APT. 306, NY, NY**

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW

MICHAEL TAMMARO
NYSID: 12003126N

COLLINS CORRECTIONAL FACILITY
PO BOX 340, COLLINS NY14034-0340

DIN# 13-A-3163

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available for Service):

Fold

Fold

Signature of Attorney other Originator requesting service on behalf of:	<input checked="" type="checkbox"/> PLAINTIFF <input type="checkbox"/> DEFENDANT	TELEPHONE NUMBER	DATE
---	---	------------------	------

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY-- DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated. (Sign only for USM 285 if more than one USM 285 is submitted)	Total Process	District of Origin	District to Serve	Signature of Authorized USMS Deputy or Clerk	Date
		No.	No.		

I hereby certify and return that I ☐ have personally served, ☐ have legal evidence of service, ☐ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above on the on the individual, company, corporation, etc. shown at the address inserted below.

☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc. named above (See remarks below)

Name and title of individual served (if not shown above)

☐ A person of suitable age and discretion then residing in defendant's usual place of abode

Address (complete only, different than shown above)

Date Time ☐ am ☐ pm

Signature of U.S. Marshal or Deputy

Service Fee	Total Mileage Charges including endeavors	Forwarding Fee	Total Charges	Advance Deposits	Amount owed to U.S. Marshal* or (Amount of Refund*)
					\$0.00

REMARKS:

- DISTRIBUTE TO:**
1. CLERK OF THE COURT
 2. USMS RECORD
 3. NOTICE OF SERVICE
 4. BILLING STATEMENT*: To be returned to the U.S. Marshal with payment, if any amount is owed. Please remit promptly payable to U.S. Marshal.
 5. ACKNOWLEDGMENT OF RECEIPT

PRIOR EDITIONS MAY BE USED

Michael Tammara

Box # 13-A-2463

Food Corp Facility

P.O. Box 2000

NYC (NY, NY 10007-2000)

GEA
MMA

RECEIVED
SDNY PRO SE OFFICE
2015 OCT 27 AM 10:56



U.S. District Court

Southern District of NY

Daniel Noyman, U.S. Courtroom
Pre Sec. Office

500 Pearl St. Rm. 230

SOUTHPORT



Correctional Facility



UNITED STATES POSTAGE
0.2 1M
\$02.45
0004255402 OCT 23 2015
MAILED FROM ZIP CODE 14871

SOUTHPORT



Correctional Facility



UNITED STATES POSTAGE
0.2 1M
\$00.73
0004255402 OCT 23 2015
MAILED FROM ZIP CODE 14871